

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated January 20, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-5 and 7-21 are pending in the Application. Claims 1, 3, 5, 7-9, 13, and 17 are independent claims. Claim 6 was previously canceled.

By means of the present amendment, the claims are amended including for better conformance to U.S. practice, such as deleting reference designation typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to --wherein--, as well as correcting certain informalities noted upon review of the claims. By these amendments, claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, claims 13-21 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,208,643 to Dieterich et al. ("Dieterich") in view of U.S. Patent No. 5,703,877 to Nuber et al. ("Nuber"). Claims 1-5, 7-8 and 11-12 are rejected under 35 U.S.C. §103(a) over Dieterich in view of Nuber in further view of U.S. Patent No. 5,898,695 to Fujii et al. ("Fujii"). Claims 9-10 are rejected under 35 U.S.C. §103(a) over Dieterich in view of Nuber in further view of Fujii and in further view of U.S. Patent No. 6,542,518 to Miyazawa et al. ("Miyazawa").

It is respectfully submitted that the rejected claims are allowable over Dieterich, Nuber, Fujii and Miyazawa for at least the following reasons.

Claim 1 is amended to clarify its recitations. Thus, a number of counts of the local System Time Clock Counter between the packet arrival time of the first information signal packet of the sequence and the information signal packet that includes the Program Clock Reference is calculated and subtracted from the Program Clock Reference to derive the start value.

It is undisputed that Dieterich fails to show this element of the claims (see, Final Office Action, page 10, lines 7-19). However, the Final Office Action relies on Nuber, col. 9, lines 13-67 for showing that which is admitted missing from Dieterich. However, it is respectfully submitted that reliance on this section of Nuber or any section for that matter is misplaced.

A close examination of the referenced section of Nuber shows that Nuber does not teach, disclose, or suggest "calculating a number of counts of the local System Time Clock Counter between the packet arrival time of the first information signal packet of the sequence and the information signal packet that includes the Program Clock Reference" as for example recited in claim 1.

The present application in FIG. 4 and on page 4 provides a discussion of irregularity of arrival time of the received TS packets 21 and the Start Segment 22 not starting with a Program Clock Reference, but instead being received later with TS packet 23.

In the Final Office Action on page 11, second paragraph, it is admitted that Dieterich and Nuber do not teach or disclose determining PAT (Packet Arrival Timestamp) of the

packets, yet the Final Office Action indicates Fujii for disclosure of this element in its Figure 18 and at col. 11, lines 10-37. While Fujii does discuss packet arrival time at col. 8, lines 36-38 and col. 9, Fujii does not teach, disclose or suggest "calculating a number of counts of the local System Time Clock Counter between the packet arrival time of the first information signal packet of the sequence and the information signal packet that includes the Program Clock Reference" as recited in claim 1. It is further asserted that a mere mention of the packet arrival time in Fujii does not aid Nuber in showing the above quoted element. As previously stated, the Final Office Action admits that Dieterich does not teach the quoted element.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Dieterich, Nuber, and Miyazawa. For example, Dieterich, Nuber, and Miyazawa do not teach, disclose or suggest, a method of keeping a constant play back timing between a plurality of irregularly received information signal packets comprising a sequence of A/V information, the sequence including Program Clock Reference that amongst other patentable elements, comprises (illustrative emphasis added) "determining a packet arrival time of each of the information signal packets using a packet arrival time counter derived from a local System Time Counter; calculating a number of counts of the local System Time Clock Counter between the packet arrival time of the first information signal packet of the sequence and the information signal packet that includes the Program Clock Reference; and subtracting the number of counts from the Program Clock Reference to derive a start value" as recited in claim 1, and as similarly recited in each of claims 3, 5, 7-9, 13 and 17. Fujii is introduced for allegedly showing

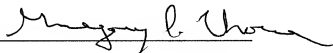
elements of the dependent claims and as such, does nothing to cure the deficiencies in Dieterich, Nuber, and Miyazawa.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 3, 5, 7-9, 13 and 17 are patentable and notice to this effect is earnestly solicited. Claims 2, 4, 10-12, 14-16, and 18-21 respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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